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Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixty-sixth session

Summary record of the 1893rd meeting

Held at the Palais Wilson, Geneva, on Friday, 6 June 2014, at 3 p.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 3.10 p.m.

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Saint Lucia (continued)
(CRC/C/LCA/2-4; CRC/C/LCA/Q/2-4)

1. *At the invitation of the Chairperson, the delegation of Saint Lucia took places at the Committee table.*

2. **Ms. Lewis** (Saint Lucia), replying to questions asked at the previous meeting (CRC/C/SR.1892), said that her Government had increased its appropriations for alternative care and had established a transit home for victims of child abuse, which could house 22 children for up to eight months and had all necessary staff, including a psychologist. It was designed to provide as close to a home setting as possible, and security was minimal. During their stay there, children continued to attend school and were encouraged to remain in contact with their families. Approximately 120 children were currently in the foster care system. Foster families received a stipend, and parents could take part in a parenting programme with a view to family reunification. The Department of Human Services and Family Affairs had set out guidelines on the provision of foster and transit care. Although transit home staff were trained, violence and abuse were known to occur in alternative care settings. The Juvenile Justice Reform Project would emphasize the need for adequate staff training. Acknowledging that oversight of alternative care was deficient, she said that part of the problem was that responsibility for children's affairs was divided between various ministries. However, there were plans to consolidate all child services under a single ministry.

3. **The Chairperson** said that it would appear logical to centralize child services under the Department of Human Services and Family Affairs, and asked whether the delegation could foresee any obstacles to doing so.

4. **Ms. Reynolds** (Saint Lucia) said that the decision would lie with the Prime Minister. The authorities were aware that it would be preferable to provide alternative care for children in conflict with the law and those in need of protection. In that connection, her Government had approved the location of an additional home, to be built with the support of the Caribbean Development Bank, but was still negotiating the budget.

5. **Ms. Lewis** (Saint Lucia) said that the number of reported cases of child abuse had fallen between 2007 and 2011. Her Government, in partnership with the United Nations Children's Fund, had rolled out a programme encouraging people to talk about the issue. The Department of Human Services and Family Affairs had a procedure for reporting and addressing cases of child abuse and worked closely with the Family Court and the police, which had a special unit on violence against children. A concerted effort was being made to stop child abusers from bribing their way out of a trial; all identified cases were brought before the courts.

6. **The Chairperson** asked whether children could file a complaint independently and whether doctors and other professionals working with children were required to report suspected cases of child abuse.

7. **Ms. Lewis** (Saint Lucia) replied that a policy had been put in place to ensure that children could give a statement, in the presence of a social worker, even without the authorization of their parents. Doctors were required to report cases and her Government intended to expand compulsory reporting to other professions.

8. **Ms. Reynolds** (Saint Lucia) said that the incidence of paid child labour had dropped when the banana industry had collapsed, although children might still work in family businesses. The Multiple Indicator Cluster Survey had not revealed considerable numbers

of employed children. Nevertheless, the Government ran various support programmes for families so that children did not have to work, even outside school hours.

9. **Ms. De Jesús Oviedo Fierro** (Country Rapporteur) asked whether the law prohibited the employment of children in hazardous occupations and requested further information about efforts to prevent the sexual exploitation of children, especially in the context of tourism. She invited the delegation to clarify the responsibilities of labour inspectors and school attendance officers.

10. **Ms. Reynolds** (Saint Lucia) said that the employment of children in hazardous work was not regulated but that all employment of children under the age of 16 years was prohibited and that education was compulsory up to age 16. Labour inspectors were responsible for visiting businesses and ascertaining work conditions, whereas the primary mandate of school attendance officers was to ascertain why a child was not in school, although they also had the authority to charge parents who wilfully neglected their children's education.

11. **Mr. Cardona Llorens**, pointing out that attendance in school did not mean that children were not also employed, asked whether measures were being taken to ensure that children did not work outside school hours.

12. **The Chairperson** asked whether the draft Labour Code of 2006, which set a minimum work age, had been adopted.

13. **Ms. Reynolds** (Saint Lucia) replied that it had. She said that as tourism had increased, there had been reports of secondary schoolchildren engaging in sexual activities. However, law enforcement officers, teachers, social workers and health-care professionals were vigilant and the Centre for Adolescent and Renewal Education was addressing the issue. Given that the official policy was that children should abstain from sex, teaching them about contraceptives in school was prohibited.

14. **Ms. Lewis** (Saint Lucia) said that, because the economy was highly dependent on tourism, a range of vocational training was available to children, including in secondary schools. However, the level of child labour was not considered problematic.

15. **Ms. Reynolds** (Saint Lucia) said that it was not yet known whether the lack of midwives was contributing to the high infant mortality rate, but her Government had sought the assistance of the Pan American Health Organization in order to determine the cause. Parental consent was needed for adolescents to access sexual and reproductive health services. The Centre for Adolescent and Renewal Education tackled the issue of teenage pregnancy and sexually transmitted diseases and the curriculum at the secondary level included a life skills component, although it was not uniformly or adequately taught in all schools because of a lack of training and willingness among teachers.

16. **The Chairperson**, pointing out that preaching abstinence and requiring parental consent amounted to denying young people access to contraceptives, asked what action the State party was taking to prevent teenage pregnancies, potentially unsafe abortions and the transmission of HIV/AIDS.

17. **Ms. Reynolds** (Saint Lucia) said that only girls under the age of consent, in other words under 16 years of age, required parental authorization in order to access sexual and reproductive health services. The law did not clearly define the age of consent for boys.

18. **The Chairperson** said the fact that the national legislation specified an age of consent for girls but not for boys constituted an inconsistency that needed to be resolved. She asked whether boys under the age of 16 years could access contraception.

19. **Ms. Reynolds** (Saint Lucia) said that while there was indeed a legislative inconsistency, in practice boys and girls under the age of 16 years could access contraception at adolescent health centres without parental consent.

20. A recent survey had shown that alcohol abuse was a serious problem among young people in Saint Lucia, particularly in the context of sporting events. Her Government had attempted to remedy the problem by setting up clubs for young people where the consumption of drugs and alcohol was prohibited. Young people were also educated about health problems, including drug and alcohol abuse, at school. However, her Government recognized that more needed to be done in that area, and was in the process of identifying the root causes of the growing trend of drug and alcohol abuse among young people with a view to reversing it. To that end, representatives of a special unit set up to deal with drug and alcohol abuse had visited schools to raise the awareness of young people of the problem.

21. In Saint Lucia, gangs were rarely active in schools. However, it was possible for older high school students to be members of gangs that operated outside the school setting. Most of the individuals who engaged in gang violence were older and were no longer in the education system. Parliament had recently passed a law to prevent and punish gang violence. The penalties prescribed by that law were more severe if an incident of gang violence occurred within a certain distance of an educational establishment, health-care centre or place of worship. Her Government was attempting to identify the factors driving the increase in gang violence with a view to taking targeted measures to reduce it.

22. **The Chairperson** asked whether the law to prevent and punish gang violence had entered into force.

23. **Ms. Reynolds** (Saint Lucia) said that the Anti-Gang Act had indeed entered into force. In addition, her Government had launched a number of programmes to dissuade unemployed high school graduates from becoming involved in gang activities. Those programmes were designed to create jobs, to equip young people with marketable skills and to support them in starting their own businesses, if they desired to do so.

24. Her Government had also launched afterschool programmes to support primary schoolchildren from vulnerable backgrounds. The programmes had proven to be a great success but were costly and therefore difficult to sustain.

25. In 2013, the number of suicide attempts among young people had increased. Young people identified as suicidal were referred to the National Mental Wellness Centre and received counselling. However, the Centre was unable to meet their needs fully, or those of people suffering from mental health problems. Having reviewed the situation at the Centre, her Government was making the necessary changes to ensure that suicidal young people had a dedicated space away from adults and that the health-care staff working with them received adequate training. Furthermore, social workers and teachers were being trained to recognize suicidal behaviour and to take appropriate action.

26. **The Chairperson** asked whether the State party's draft mental health policy had been adopted. She also wished to know whether early childhood policy covered both care and education.

27. **Ms. Reynolds** (Saint Lucia) said that the draft mental health policy had not yet been adopted and confirmed that the early childhood policy covered both care and education. Her Government was aware of the need to standardize the education given to preschool children, especially in view of the fact that many early childhood centres were privately run. It was her Government's aim to make early childhood education available to all preschool children by 2015. However, that aim could only be achieved if sufficient financial resources were available.

28. **The Chairperson** asked whether privately run early childhood centres were subject to inspections.

29. **Ms. Reynolds** (Saint Lucia) said that a department under the authority of the Ministry of Education was responsible for monitoring such centres.

30. **Ms. De Jesús Oviedo Fierro** requested additional information on the problem of low birth weight. She also enquired as to the current status of the death penalty in the State party.

31. **Ms. Reynolds** (Saint Lucia) said that her Government was taking steps to identify the causes of low birth weight and to tackle the problem with the assistance of health-care professionals and the Pan American Health Organization. There were no plans to amend the legislation concerning the death penalty.

32. **Ms. Winter** (Country Rapporteur) asked whether the death penalty could still be applied to children aged between 16 and 17 years and whether the age of criminal responsibility had been clearly set. The Committee had received reports that there was currently one child on death row. Were those reports accurate? Did young people who had come into conflict with the law have access to free legal aid?

33. **Ms. Reynolds** (Saint Lucia) said that, to her knowledge, there was no child on death row. There was a backlog of legislation that needed to be reviewed, including that concerning the death penalty. In practice, the death penalty was not applied to children. Young people who had come into conflict with the law did not currently have access to free legal aid but her Government would give serious consideration to providing such aid in the future.

34. **Ms. Lewis** (Saint Lucia) said that the age of criminal responsibility was currently 12 years. Therefore, any child of 12 years and above who committed a criminal offence could be dealt with as an adult. However, a recommendation had been made in the context of a legislative review that the current age of criminal responsibility should be increased to 18 years, consistent with the Convention. According to the Criminal Code, a child under the age of 12 years was deemed incapable of committing the offence of rape.

35. **Ms. Winter** asked whether police officers were required to submit a written report to the judicial authorities in the case of rape or similar offences and, if so, whether police officers followed that procedure systematically.

36. **Ms. Lewis** (Saint Lucia) said that victims of rape or other forms of sexual violence were required to give a statement to the police, which was then transmitted to the judicial authorities. However, there were cases in which police officers did not follow the established procedure. When the victims of such offences were children, her Government followed up to ensure that those statements reached the judicial authorities.

37. **Ms. Reynolds** (Saint Lucia) said that a campaign to encourage child victims of incest to break their silence and to report their abusers had been launched. Moreover, teachers and caregivers had received training on how to recognize the signs of sexual abuse and on the action to take should a child reveal that they had been the victim of incest.

38. **The Chairperson** asked why incest was so prevalent in the State party.

39. **Ms. Reynolds** (Saint Lucia) said that there appeared to be more cases of incest than before because more and more children were coming forward and reporting their abusers, as a result of her Government's awareness-raising efforts. The community as a whole had become more vigilant and was quicker to report cases of incest and other forms of sexual abuse.

The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.

40. **Ms. Lewis** (Saint Lucia) said that restorative justice had not been implemented as a result of challenges in the justice system. Mediation, however, was being strongly encouraged.

41. **The Chairperson** noted that only a brief mention had been made of crimes committed by girls.

42. **Ms. Lewis** (Saint Lucia) said that there had been an increase in crimes committed by girls. A centre had been set up to tackle the problem, but it did not house girls around the clock and, as a result, girls in difficulty were not always rehabilitated properly. Efforts were being made to introduce programmes to address the situation.

43. **Ms. Winter** (Country Rapporteur) asked the delegation to specify whether the age of criminal responsibility was 12 years, as stipulated in the Children and Young Persons Act, or 8 years, as stipulated in the Criminal Code.

44. **Ms. Lewis** (Saint Lucia) said that, in practice, the age of criminal responsibility was 12 years. In reply to a question put previously concerning the situation of boys facing difficulties in the regular school system who were placed in the Boys Training Centre, she said that additional teachers of auto mechanics, woodworking and other vocational skills had been hired to teach at the Centre. Substance abuse at the Centre did represent a problem and a juvenile drug rehabilitation programme was being put in place.

45. **The Chairperson** requested further information about the Family and Youth Resource Centre. Had any action been taken in that regard since the previous report?

46. **Ms. Lewis** (Saint Lucia) said that architectural drawings for the Family and Youth Resource Centre had been received and that ways of reducing the cost of the project were being reviewed. The project was a priority.

47. Little progress had been made on the National Policy for Persons with Disabilities, which covered both children and adults. However, with respect to children with disabilities, there had been some movement. A centre providing clinical assessments of children with disabilities and support for their families had been set up. In addition, a multidisciplinary team had been established within the Ministry of Education, Human Resource Development and Labour to assess children. A child facing difficulties in the school system would be referred to that team, which would determine the level of support required. Her Government had also begun providing money to families of children with disabilities, as such children were often left unattended and sometimes even tied up so that their parents could go to work. The aim of the funding was to ensure improved care for those children.

48. The Department of Human Services and Family Affairs had recently conducted research into the needs of children with disabilities. Although the research had been limited to a particular geographical area, the findings — in particular those pointing to needs for greater accessibility — applied to the entire island. Some schools were better prepared to receive children with disabilities than others. Some children with disabilities had enrolled in mainstream schools with a measure of success, which, it was hoped, would lead more to do so. Funding for a special education centre had also been made available.

49. **Ms. Reynolds** (Saint Lucia) said that her Government concluded that there was a need to include children with disabilities in the regular school system and, also, to provide for special education programmes. An inclusive approach brought certain benefits, not least that other children learned to respect the rights of children with disabilities. However, in some cases children with severe disabilities were accommodated in one of five special education centres with specially trained staff, where they were able to learn at their own pace. Teachers in the public and private school systems, pressured to keep up with the syllabus, did not always have the background to work with children with disabilities.

50. **Mr. Cardona Llorens** said that some other States parties had developed sound practices regarding the inclusion of children with disabilities in the school system, to the mutual advantage of all children concerned. Maintaining a dual system was ultimately much costlier, in human and economic terms. He therefore encouraged the State party not to settle for the dual system but to analyse the best practices of other States parties that were obtaining excellent results.

51. **Ms. Reynolds** (Saint Lucia) said that her country was always open to learn from the best practices of others operating in similar circumstances. The ultimate goal, after all, was for children with disabilities to be able to work within society.

52. **The Chairperson** asked whether the draft National Policy for Persons with Disabilities, drafted in 2006, had been adopted.

53. **Ms. Lewis** (Saint Lucia) said that the draft had been reviewed and returned for consideration to the legal authorities.

54. **The Chairperson** asked what was required in order for the draft to be adopted.

55. **Ms. Lewis** (Saint Lucia) said that the draft remained to be resubmitted for adoption.

56. **The Chairperson** asked what the legal obstacles to adoption of that policy were. It would appear that other policies had also been held up.

57. **Ms. Lewis** (Saint Lucia) said that there was a major bottleneck in the legal system. Nevertheless, her Government was committed to implementing the policies that had been delayed as a result, including the policy on persons with disabilities.

58. **The Chairperson** said that in that case, there remained time for ideas such as that of Mr. Cardona Llorens to inform that policy. In addition, she asked for further information on the situation of children living in the streets and measures to help them.

59. **Ms. Reynolds** (Saint Lucia) said that children who had dropped out of school or left home were sometimes taken in by older persons, who could be charged for harbouring minors. One such arrest had recently been made, partly to send a message to those harbouring minors that the law would be used to deal with them. It was sometimes difficult to reintegrate children who had dropped out of school or run away from home and, in a small society such as Saint Lucia, the process required considerable sensitivity and tact.

60. In reply to a question raised earlier by Mr. Gastaud with respect to teaching children about climate change, she said that government ministries had implemented programmes on climate change and the environment, in the context of which a youth group would be hosting a sustainable development forum in the coming days. More broadly, young persons were encouraged to study climate change and to make related proposals to policymakers.

61. **Ms. Winter** asked whether pregnant girls were required to drop out of school or whether they were given help in school. If required to drop out, were they able to return once they had given birth?

62. **Ms. Reynolds** (Saint Lucia) said that most girls returned to a different school after giving birth. There were good relationships between social workers and school principals, and transfers from one school to another took place without the girls' teachers necessarily knowing the reasons for the transfer.

63. **The Chairperson**, taking note of the frequent references to social workers, asked whether the State party had enough such workers.

64. **Ms. Reynolds** (Saint Lucia) said that although a number had been added to the rolls, there was always more that could be done.

65. **Ms. Winter** said that everything that the State party had done would be taken into consideration, but that it was also necessary to highlight what remained to be done.

The meeting rose at 5.20 p.m.